

APPEAL NO. 031349  
FILED JULY 15, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on May 2, 2003. With respect to the issue before him, the hearing officer determined that the appellant (claimant) is not entitled to supplemental income benefits (SIBs) for the 10th quarter. The claimant appeals that determination. There is no response from the respondent (self-insured) contained in our file.

DECISION

Affirmed.

Eligibility criteria for SIBs entitlement are set forth in Section 408.142(a) and Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.102 (Rule 130.102). The SIBs criterion in issue is whether the claimant made a good faith effort to obtain employment commensurate with his ability to work during the qualifying period for the 10th quarter. The hearing officer found that the claimant documented 23 job searches during the qualifying period; however, he further determined that the claimant's efforts were insufficient to prove that he had satisfied the good faith requirement under Rule 130.102(e) by conducting a good faith job search. The hearing officer considered the evidence and found that the claimant did not make a good faith effort to obtain employment commensurate with his ability to work during the qualifying period for the 10th quarter. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established.

Rule 130.102(e) contains a number of factors which the reviewing authority may consider in evaluating the job search effort, including the number and types of jobs sought, applications or resumes which document the efforts, cooperation with the Texas Rehabilitation Commission (TRC), the amount of time spent attempting to find employment, any job search plan by the injured employee, and so on. The hearing officer specifically noted that 11 of the claimant's 23 job contacts were with his employer, that the claimant had not contacted TRC, and that he really did not show a job search plan other than to return to work for his employer. The hearing officer was not persuaded that the 23 job searches rose to the level of a good faith search for employment. The hearing officer's determination in that regard is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. As such, no sound basis exists for us to reverse the hearing officer's decision on appeal. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **(a certified self-insured)** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM  
350 NORTH ST. PAUL STREET  
DALLAS, TEXAS 75201.**

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Elaine M. Chaney  
Appeals Judge

CONCUR:

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Margaret Turner  
Appeals Judge

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Edward Vilano  
Appeals Judge